

# **Report to the Planning and Zoning Commission**

Prepared by the Maricopa County Planning and Development Department

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**Case: Z2001050** Arizona Motorsports Park

Meeting Date: July 31, 2003

Agenda Item: 8

Supervisory District: 4

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**Applicant:** Request for Commission initiation

**Property Owner:** REXCO, L.L.C.

**Request:** Initiate Revocation or Major Amendment of a previously approved Special Use Permit (S.U.P.) for a privately-operated open air recreational facility in the Rural-43 zoning district – this site is located within the 65-80 LDN noise contours of Luke Air Force Base (A.F.B.)

**Proposed Use:** Racetrack and helipad

**Site Location:** Northeast corner of Camelback Rd. & Reems Rd. (in the west Glendale/north Goodyear/Litchfield Park area)

**Site Size:** Approx. 146 gross acres

**County Island Status:** Class II (City of Glendale)

## **Summary of Conformance with Adopted Plans:**

**County Plan:** The County Area Plan designates the site as Agricultural with allowance for certain commercial and industrial activities if deemed compatible with Luke A.F.B., which Luke A.F.B. has confirmed in writing. Arizona Motorsports Park is considered to be in conformance with the County's plan.

**City/Town Plan:** The City of Glendale General Plan was recently updated and now designates the subject site and surrounding area of "Luke Compatible" land uses. Therefore, the use is considered to be in concert with the City's plan as it is a non-residential facility immediately adjacent to the military airbase.

**Support/Opposition:**

Staff is aware of significant and growing opposition to the racetrack operations. The City of Goodyear and the City of Litchfield Park have expressed opposition to the facility as presently operated.

**Recommendation:**

**Initiate revocation or major amendment** of the S.U.P.

**Description of Proposal:**

1. Case Z2001050 was submitted by Land Development Services on behalf of REXCO, L.L.C. It is a Special Use Permit (S.U.P.) for a racetrack and helipad in the Rural-43 zoning district. The S.U.P. was approved by the Board of Supervisors (B.O.S.) on December 19, 2001. It has also experienced two administrative amendments for slight refinements to the site plan. The amendments were reviewed and signed-off on by Luke A.F.B. The S.U.P. was approved for a 25-year timeframe setting the expiration date at December 19, 2026.
2. The approx. 146-acre site is located at the northeast corner of Camelback Rd. & Reems Rd. The site is directly south of Luke A.F.B. and directly west of the Falcon Golf Course.
3. The chief components of the facility, Arizona Motorsports Park, consist of an approx. 2-mi. meandering racetrack (max. width of 50'), a 23-ac. paved skid pad/performance driving area, an administrative office, a maintenance building, an operations building, a pit area with a shade structure, a covered parking structure, and a helipad. Structures include a 3,750-sq. ft., 30'-high track operations building, a 10,000-sq. ft., 26'-high (two-story) administrative building, a 5,625 sq. ft, 30'-high maintenance building, and two 6,000-sq. ft., 16' high covered parking structures. The CMU block constructed buildings are located centrally within the site.
4. The site contains mature growth of oleander along the road frontages, the south and west perimeter of the site. The applicant has left significant portions of the site undisturbed with sparsely covered native vegetation. The site is enclosed with a 6' high chain-link fence. There is no outdoor lighting related to the events held on site (daylight hours of operation only), but some security lighting is found on site. A freestanding monument sign is adjacent to the entrance driveway. The sign is 16' x 16' with 3' depth and located 20' from the front property line.
5. According to the applicant's narrative report, non-public racing events are planned for 4-6 days per month from 8:00 a.m. to 5:00 p.m. Expected

attendance will range from 100-200 people and the number of employees is projected to be six. Other private non-race type events such as performance demonstrations as well as driving and riding tests are planned. Typical hours for these events will be late morning through late afternoon with a maximum of 100 people in attendance.

6. Staff became aware of a significant and growing opposition to racetrack operations almost immediately upon start-up of the facility. It appears as if the applicant violated the max. 200 attendance condition during the grand opening weekend, but all subsequent field investigations by staff have resulted in a determination that the applicant is maintaining compliance with the stipulations of B.O.S. approval. However, staff received a growing number of complaints with each successive weekend of facility operations.
7. Staff then reviewed a videotape of the December 19, 2001 B.O.S. public hearing and is of the opinion that the S.U.P. proposal was greatly misrepresented – in particular the applicant's representative clearly stated that only "street legal" vehicles would be driven on the racetrack. This misrepresentation lead to an S.U.P. approval without adequate stipulations in regard to the level of noise generated by vehicles other than street legal vehicles.

### **Analysis of Conformance with Adopted Plans:**

8. **Maricopa County "Eye to the Future 2020" Comprehensive Plan:** The Comprehensive Plan indicates that this site is within the municipal planning area of the City of Glendale and that we will take into account the City of Glendale General Plan as long as it has been updated in the last five years with input of County residents. Glendale's plan did not meet these criteria at the time of S.U.P. approval, but has since been updated. The Comprehensive Plan also designates the site as being within the area of a County Area Plan. The White Tank/Grand Avenue Area Plan is the applicable County Area Plan.
9. **White Tank/Grand Avenue Area Plan (County Plan):** The land use plan of the White Tank/Grand Avenue Area Plan shows Agricultural use (one dwelling unit per acre) on this site. Although the Agricultural designation specifically identifies lands suitable for agricultural activities, it also allows certain commercial and industrial activities if they are deemed compatible with Luke A.F.B. The subject site is also located within the State-defined *high noise or accident potential zone* of Luke A.F.B. As such, under ARS §28-8481, Maricopa County must obtain written documentation from Luke A.F.B. that this particular use is compatible and consistent with the high noise or accident potential zone of the Base. Luke A.F.B. did sign-off on the project and subsequent amendments. Therefore, the use is considered to be in conformance with the County Area Plan as well as State Statutes.

10. **City of Glendale "2025 The Next Step" General Plan:** The General Plan was recently updated and became effective December 1, 2002. It now designate the site and surrounding area for Luke Compatible land uses. As a non-residential use immediately adjacent to the military airbase, Arizona Motorsports Park is considered to be in concert with the City's plan.
11. At the time of S.U.P. approval, the City of Glendale General Plan in effect, the Policy Guide for Lands West of the Agua Fria River, had grown antiquated as it was last updated in 1989. It designated the subject site for Business Park uses. The plan's definition of business park was as follows: Employee-intensive manufacturing operations within completely enclosed buildings, professional office buildings, and trade schools. As an open-air recreational facility the project did not comply with the City's former plan. However, arguably, the project is more compatible with Luke A.F.B. than would have been an employee-intensive business park.

### **Existing On-Site and Adjacent Zoning:**

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|--------------|--|
| 12. On-site: | Rural-43 (Westside Military Airbase Overlay Zones 1-4) |
| North:       | AD-I   |
| East:        | Rural-43   |
| South:       | PAD (City of Goodyear)                                 |
| West:        | Rural-43, AD-I, AD-II                                  |

### **Existing On-Site and Adjacent Land Use:**

- |              |  |
|--------------|--|
| 13. On-site: | Commercial/recreational (racetrack and helipad)            |
| North:       | Military (Luke A.F.B.)                                     |
| East:        | Open space (Falcon Golf Course)                            |
| South:       | Arterial (Camelback Rd.), then agriculture (fallow fields) |
| West:        | Agriculture (fallow fields)                                |

### **Area Land Use Analysis:**

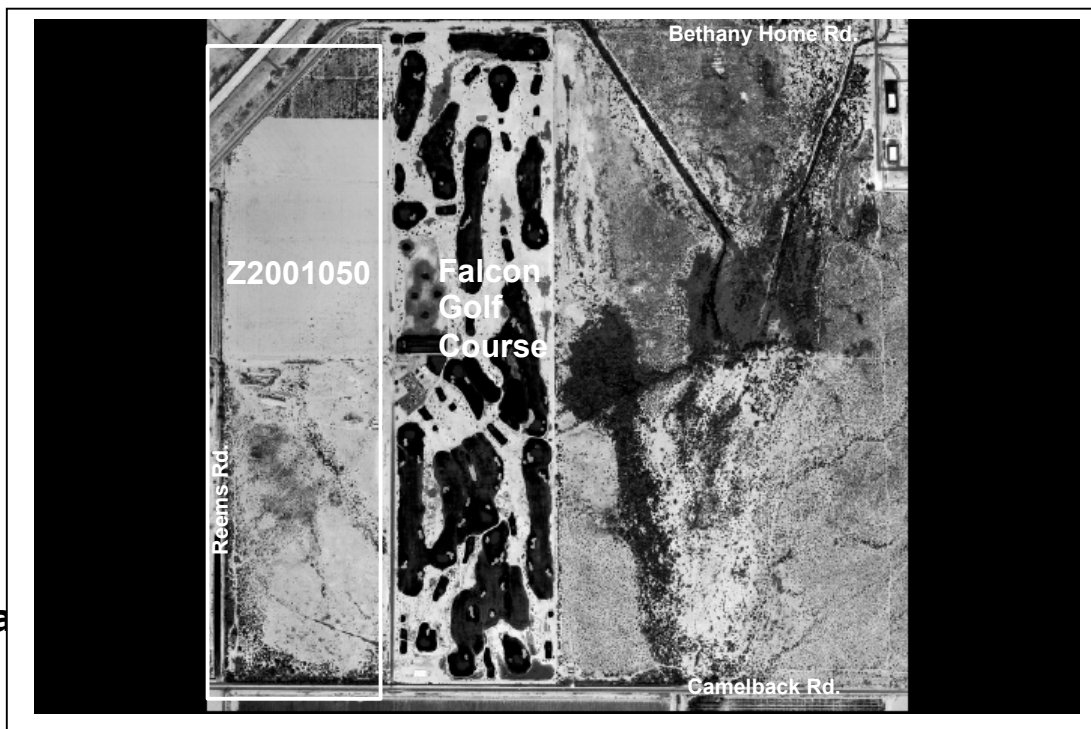
14. The 146-ac. site is located at the northeast corner of Camelback Rd. & Reems Rd. The site is directly south of Luke A.F.B. and directly west of the Falcon Golf Course. Other adjacent uses at the present time consist primarily of agricultural fields; however, residential development inside the City of Goodyear seems to be marching northward towards the site. At present, housing has come within 1/2-mile of the site. At the time of S.U.P. approval development was at least one-mile distant. (See the 2001 aerial photography on next page.) The site is located within the Rural-43 zoning district and is also subject to the Westside Military Airbase Overlay Zoning District. The subject site falls within all four zones as defined by the overlay district that are based upon noise contours. Essentially, the zones require

that occupied buildings be noise attenuated to certain levels based upon a given noise contour. In addition, as the site falls within the State-defined *high noise or accident potential zone* of Luke A.F.B.



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15.



road

with 55' or dedicated half-width right-of-way.

16. **Reems Road:** Unimproved N/S section line road alignment with 0' of dedicated right-of-way.

### **Utilities and Services:**

17. **Water:** Hauled on site
18. **Wastewater:** Septic
19. **Fire Protection:** Rural/Metro Fire Department
20. **Police Protection:** Maricopa County Sheriff's Office
21. **Electric:** Arizona Public Service (APS)
22. **Telephone:** Qwest Communications
23. **Cable Television:** Cox Communications
24. **Natural Gas:** Individual propane tanks
25. **Refuse Collection:** Private (not specified)

**Reviewing Agencies:** (The S.U.P. request was reviewed at the T.A.C. meeting of May 15, 2001. This consideration of S.U.P. revocation has not had benefit of review at a T.A.C. meeting.)

26. **Department of Transportation (MCDOT):** No objection with facility operations.
27. **Environmental Services Department (MCESD):** No objection with facility operations except in regard to the question of service to the public of potable water. (See the attached email.) Their previous comments were as follows:
- Permits for the installation of Individual Sewage Disposal Systems shall be obtained from the Water and Waste Management Division.
  - The materials received by an individual sewage disposal system (ISDS) subject to a permit issued by the ESD.
  - This facility does not have a water service provider. If events are planned that include activities that distribute beverages and food to the public, the absence of an approved pressurized potable water system may limit or preclude these activities.
28. **Flood Control District (FCD):** No objection with facility operations.

29. **Luke Air Force Base (A.F.B.):** Luke A.F.B. is supportive of the facility operations and this was a critical element in the S.U.P. approval Luke A.F.B. signed-off on the subsequent S.U.P. amendments.
30. **City of Glendale:** No response
31. **City of Litchfield Park:** Although the City originally supported the S.U.P., since Arizona Motorsports Park has begun operations the City has rescinded that support stating their opinion that the their earlier support was based on an understanding that the facility would be for the use of a "private individual" and would run only "street legal" vehicles.
32. **City of Goodyear:** Although the City did not respond to case material that was routed for comment back in 2001, since Arizona Motorsports Park has begun operations the City has expressed clear opposition to the facility stating that the noise level generated by the facility is incompatible with new residential developments in the City south of Camelback Rd.
33. **Other Agencies:** N/A

### **Background:**

34. **December 19, 2001:** The B.O.S. approved Z2001050, the subject S.U.P. for Arizona Motorsports Park, a privately-operated open-air recreational facility in the Rural-43 zoning district. Said approval being subject to the following stipulations:
  - a. Development and use of the site shall comply with the site plan entitled "Precise Site Plan – AZ Motor Sports" consisting of one full-size sheet, dated June 7, 2001 and stamped received October 12, 2001 except as modified by the following stipulations.
  - b. Development and use of the site shall comply with the narrative report entitled "Narrative Report for a Special Use Permit for the Arizona Motor Sports Park" consisting of 5 pages, dated (revised) September 2001 and stamped received October 12, 2001 except as modified by the following stipulations.
  - c. Development and use of the site shall comply with the conceptual landscape plan/elevations entitled "Arizona Motorsports Landscape Concept" and "Arizona Motorsports Elevations" consisting of three full-size sheets, dated August 16, 2001 and stamped received October 12, 2001 except as modified by the following stipulations.

- d. Prior to zoning clearance, a revised site plan and narrative report, which is acceptable to Luke Air Force Base shall be submitted to the Planning and Development staff for review. Said site plan will be subject to Amendment Procedures as set forth in Section 2805 of the Maricopa County Zoning Ordinance.
- e. All signs shall be in compliance with Rural-43 development standards.
- f. The facility shall be required to obtain necessary permits required by the Department of Environmental Services.
- g. Sound attenuation shall be provided for as indicated in the Maricopa County Zoning Ordinance.
- h. The hours and days of operation shall be daily, 8:00 a.m. to 5:00 p.m.
- i. The maximum number of people at an event shall be 200. This number shall be subject to reduction per comments from Luke Air Force Base.
- j. The maximum number of employees on site shall be six.
- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. Prior to zoning clearance, the applicant shall survey the subject property for cultural resources and submit the survey to the State Historic Preservation Office for review and comment.
- m. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements. A "will-serve" letter from the applicable fire protection agency shall be submitted to Planning and Development prior to zoning clearance.
- n. Per Maricopa County Department of Transportation, development of the site shall include half-street improvements to ultimate width for Camelback Road adjacent to the site.
- o. Prior to zoning clearance, the internal driveways and parking spaces shall be surfaced with a form of dust-proofing deemed acceptable by the Environmental Services Department.



- p. Adequate water supply and quality for drinking and sanitation purposes shall be required. For drinking purposes, a supply of 10 gallons per person shall be required.
- q. One trash can with a 32-gallon capacity shall be provided for every 25 people.
- r. A "will-serve" letter from refuse provider shall be submitted to the Planning and Development Department prior to zoning clearance.
- s. One off-duty police officer shall be required for every 100 persons expected in attendance at events.
- t. There shall be permanent restroom facilities including a permitted wastewater system for the site prior to the first event. Said facilities shall be in conformance with all requirements of the Environmental Services Department.
- u. The applicant shall submit a written report outlining the status of the development at the end of two years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. A second status report may be required to ensure record retention, 25 years from the date of approval by Board of Supervisors.
- v. This Special Use Permit shall expire 30 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- w. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- x. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

- y. The maximum height of the on-site berms shall be three (3) feet.
  - z. Water features or other on-site features that will attract birds are prohibited.
  - aa. Prior to zoning clearance, a letter from Luke Air Force Base is required addressing resolution of items listed in the letter from Colonel Dennis A. Rea dated November 6, 2001.
35. **June 6, 2002:** Staff approves Z2002043, an application for an S.U.P. Administrative Amendment (as per stipulations "d" and "aa" of Z2001050). Said approval being subject to the following stipulations:
- a. Compliance with all existing stipulations and the revised site plan entitled "AZ MOTOR SPORTS", consisting of 1 sheet; date stamped received April 4, 2002.
  - b. Compliance with the revised Narrative Report entitled "NARRATIVE REPORT for a Special Use Permit for the Arizona Motor Sports Park", consisting of 6 pages stamped received April 4, 2002.
  - c. Compliance with the specific stipulations outlined in the Luke AFB letter consisting of 2 pages stamped received June 5, 2002 and signed by Colonel Dennis A. Rea.
  - d. Compliance with the specific helicopter arrival/departure procedures outlined in the Luke AFB letter of agreement consisting of 3 pages stamped received June 5, 2002 and signed by Lt. Colonel Steven R. F. Searcy.
  - e. All necessary permits shall be obtained prior to commencing construction.
36. **January 24, 2003:** Staff approves Z2002161, an S.U.P. Administrative Amendment - to change the location of the track operations building. Said approval being subject to the following stipulations:
- a. Compliance with the site plan attached and titled "AZ MOTOR SPORTS Z2002161", consisting of one (1) 24" x 36" sheet; stamped received December 5, 2002.
  - b. Compliance with narrative attached and titled "NARRATIVE REPORT for an amendment to the Special Use Permit for the Arizona Motor Sports Park Z2002161", consisting of seven (7) 8 ½" x 11" sheets; stamped received December 5, 2002.

- c. Development shall remain in compliance with all previous stipulations of Z2001050, & Z2002043.

## **Discussion and Evaluation:**

37. This S.U.P. was originally approved based upon an understanding of two issues. The first issue is in regard to Luke A.F.B. Maricopa County's mission statement includes a strategic priority to preserve Luke A.F.B.:

*Land use will be planned, managed and funded responsibly; Luke A.F.B. will be preserved.*

It is staff's opinion that this is a positive aspect of the project – the facility is an appropriate use for location inside the high noise and accident potential zone of the military airbase.

38. The second issue is in regard to the description of the project. The approved S.U.P. is for an outdoor recreational facility, specifically a racetrack and helipad. However, the applicant's narrative report clearly states in bold print that "*This facility is not intended for use by the general public nor will it be operated as a spectator venue for the general public.*" This combined with the adjective "private" used to describe the facility and statements at the B.O.S. public hearing that the facility would only accommodate "street legal" vehicles on the racetrack – painted a picture of a very low-intensity facility with relatively few users. Therefore, it is staff's opinion that the applicant's proposal was greatly misrepresented to the B.O.S. and that this lead to approval of the S.U.P. in its current form.
39. This perceived misrepresentation is strengthened by the opinion of MCESD staff who state (email attached) that it was staff's view at the time that the facility was a private club activity. This is a critical factor with water and sewer issues. The number of users at the facility and size of crowds may necessitate requirement for a public water system.
40. Staff believes that the applicant is generally in compliance with the stipulations of S.U.P. approval, but that due to misrepresentation of facts the S.U.P. approval was not subject to sufficient stipulations to protect the public health and welfare. Therefore, staff would recommend that the Commission initiate either S.U.P. revocation or a major amendment of the S.U.P. including modified stipulations to address the true nature of the racetrack's operation. Should the Commission concur, there are four potential courses of action:
- The Commission could decide that the S.U.P. be kept in place without any modifications.

- The Commission could initiate a major amendment to the case requiring modifications to stipulations of S.U.P. approval. The case will then be presented before the Commission at an August 14, 2003 public hearing, and tentatively will proceed to the B.O.S. at a September 10, 2003 public hearing for a final determination. Should the B.O.S. follow similar suite, operations at the facility could continue but would be altered in an attempt to address concerns with the public health and welfare. This may include a reduction in the number of persons in attendance on site to eliminate the question as to whether or not a public water system is required, the preclusion of any vehicles that are not street legal or licensed to mitigate noise and exhaust fumes, etc.
  - The Commission could initiate a case to revoke the S.U.P. The case would then be heard by the Commission at an August 14, 2003 public hearing, and tentatively will proceed to the B.O.S. at the September 10, 2003 public hearing for a final determination. Should the B.O.S. act to revoke the S.U.P. – continued operations at the facility would result in a zoning violation.
  - The Commission could also act to continue the case to a future public hearing date. The purpose of a continuance would be to gather additional information either from staff, the applicant or project opponents on any matters of confusion or uncertainty – prior to initiating any case. Any continuance, of course, will determine the eventual Commission and B.O.S. public hearing date and timing of their ultimate decision on this case.
41. Staff would note that if the Commission does not choose to initiate S.U.P. revocation or major amendment, there will not be opportunity to subject the S.U.P. to modified stipulations. Staff is of the opinion that modified stipulations may present a fair compromise between the position of the applicant and project opponents.
42. Should the Commission choose to initiate S.U.P. revocation or major amendment, staff will revise this report to include an updated list of opposition letters, and will craft a list of suggested stipulations should the Commission alternately choose to modify rather than to revoke the S.U.P.

### **Recommendation:** (Z2001050)

43. Staff recommends that the Commission **initiate revocation or major amendment of the S.U.P.** previously approved under Z2001050 and amended under Z2002043 and Z2002161 - for the following reasons:
- Staff is of the opinion that the applicant misrepresented the proposed facility to the B.O.S. and that this resulted in a S.U.P. approval with inadequate stipulations to protect the public health and welfare.

- The facility attracts numbers of persons to warrant a public water system.
- The facility should be limited to vehicles deemed “street legal” and should initiate noise mitigation techniques in order to improve noise levels and qualities that are deemed incompatible with residential development in proximity to the site.

tls/dvg/gs/rg

Attachments:

Total of 72 pages:

11/15/01	Commission staff report (24 pages including attachments)
11/15/01	Commission meeting minutes (3 pages)
12/19/01	B.O.S. meeting minutes (4 pages)
6/6/02	Administrative Amendment staff report (13 pages including attachments)
1/24/03	Administrative Amendment staff report (15 pages including attachments)
7/11/03	Arizona Republic article (2 pages)
6/30/03	Letter from Joy Rich to the applicant
7/11/03	MCESD comments via email
-	Recent letters of opposition (9 pages)

[Note: There are no large-size enclosures with this report.]